

# NEWS from



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## **COUNTY ASSERTS FEDERAL ROAD ACCESS RIGHTS**

*Resolution Intended to Help Prevent Federal Closures*

SAN BERNARDINO--In a move much anticipated by property rights advocates throughout the Western United States, the San Bernardino County Board of Supervisors today adopted a resolution to assert pursuant to federal law that the county and the public reserve the right to continue using the virtually countless number of roads, trails and pathways that exist on public lands throughout the nation's largest county.

The resolution, proposed by First District Supervisor Bill Postmus, asserts rights-of-way under Revised Statute 2477, stating that public access should be left open for travel for the same necessary purposes and uses that have existed for many years.

"These routes have been essential for transportation, public access, and our economic and social well-being," Postmus said. "Search and rescue, fire protection, resource management, health and law enforcement personnel have relied upon these routes."

In 1998, San Bernardino County adopted Resolution No. 98-149, identifying and asserting rights-of-way under the statute within the Mojave National Preserve and other areas. More recently, as the Bureau of Land Management, National Park Service and U.S. Forest Service have been developing management plans, these agencies have continued to propose closures for routes that have valid R.S. 2477 rights-of-way.

R.S. 2477 was passed by Congress in 1886, granting rights-of-way for roads and highways over public land that had not been reserved for public uses. In this County, mostly in desert areas, numerous road rights-of-way were acquired between 1886 and 1976, when the statute was repealed.

The statute was intended to promote the settlement of the Western United States.

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R.S. 2477 RESOLUTION  
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When San Bernardino County was established in 1853, considerable areas were used for ranching, farming, and mining, with intensive prospecting and exploration for valuable minerals, forest and agricultural products. Much of the mountains, desert and valley areas became laced with networks of wagon roads, trails, and horse and footpaths, many of which are still in use for economic, public safety and recreational purposes.

Following extensive field reviews to identify roads within and adjacent to the Mojave Preserve and adjacent areas, the County notified the National Park Service and the Bureau of Land Management of its assertions in 1998.

Postmus said the new resolution differs from the 1998 resolution in two primary ways. First, it includes an unprecedented countywide blanket assertion of access rights; and second, it memorializes these rights to the National Forest Service in addition to the BLM and National Park Service.

The Supervisor said he received considerable support for the resolution. "I have received several hundred letters, e-mails and phone calls in support of this resolution," Postmus said. "Recent actions by the Federal Government to restrict public access to our lands, most notably by the Bureau of Land Management, are of great concern to a growing number of citizens."